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No. 07A-TR001-DWR

CASE MANAGEMENT ORDER No. 1

(1) Modifying Document Service and Filing Requirements; (2) Requiring Pre-submission of Exhibits; (3) Establishing Filing Deadlines; and (4) Denying ADWR's Motion for Pre-Hearing Conference

Protestants: Great America Land, L.L.C.,
Biassi Water Company, Beaver Dam Water
Company,
Mohave County, Mohave County Colorado
River Water Users, Brigham Young
University, Various Members of the Public

ADWR filed a Motion for a Pre-hearing Conference to discuss scheduling and logistical matters related to the hearing. Given the potential number of participants in this matter holding such a conference is not practical, and this scheduling order is being issued to provide guidance to the parties and addresses issues raised in ADWR's Motion.

The purpose of the hearing is to determine whether the Director of ADWR should approve or deny an application filed by Applicant Wind River Resources, LLC to transport water out of the State of Arizona. See Notice of Hearing. In determining whether to approve the Application the Director shall consider the factors set forth in

Office of Administrative Hearings
1400 West Washington, Suite 101
Phoenix, Arizona 85007
(602) 542-9826

1 Arizona Revised Statute ("A.R.S.") § 45-292(C). Consequently, the parties and
2 interested persons should limit their submissions and or comments to issues relevant to
3 A.R.S. § 45-292(C).

4 **ELECTRONIC FILING IS REQUIRED and EXHIBITS MUST BE PRE-SUBMITTED**

5 Given the number of parties, to avoid requiring the parties to bear the expense and
6 complexity of providing service for all pleadings and other filings, electronic filing will be
7 required. All exhibits must be submitted to the Office of Administrative Hearings ("OAH")
8 by electronic filing prior to the hearing. Shortly after filing, an electronic copy of each
9 document or exhibit filed will be posted at <http://www.azoah.com/Water.htm>. To ensure
10 that all parties and interested persons have adequate access to these files, all
11 electronic filings should be set to limit page sizes to 8 ½ x 11; files that are not so
12 configured will be rejected.

13 Electronic filing will constitute valid service and no service to the other parties or
14 interested persons will be required. See A.R.S. § 41-1091.04; Arizona Administrative
15 Code R2-19-102. To access filings made by other parties and interested persons the
16 parties/interested persons will be required to check <http://www.azoah.com/Water.htm>.

17 **Address any question regarding this order to OAH via email: oah@azoah.com.**

18 Questions and answers will be posted at <http://www.azoah.com/Water.htm>.

19 **FILING DEADLINES**

20 **IT IS ORDERED setting the following filing deadlines:**

- 21 1. January 30, 2007 -- Applicant's Pre-Hearing Brief;
- 22 2. January 30, 2007 -- Applicant's Proposed Witness List (including a fair
23 statement of the proposed testimony and estimate of time required) and List of Exhibits;
- 24 3. January 30, 2007 -- ADWR's Pre-Hearing Brief and Position; and Protestants'
25 Pre-Hearing Brief and Position;
- 26 4. February 12, 2007 -- Applicant's Response to ADWR's Pre-Hearing Brief and
27 Position, and Applicant's Response to Protestants' Pre-Hearing Brief and Position (no
28 replies will be considered);
- 29 5. February 12, 2007 -- ADWR's Proposed Witness List (including a fair statement
30 of the proposed testimony and estimate of time required) and List of Exhibits;
6. February 14, 2007 -- Filing of Applicant's, Protestants' and ADWR's Exhibits;

1
2 7. February 15, 2007 -- Deadline for all motions, written comments (testimony) and
3 requests for time for interested persons to testify orally. Such requests must include a
4 brief summary of the proposed testimony and a statement as to why oral testimony is
5 required and written testimony is not sufficient;

6 8. February 22, 2007 -- Responses to Outstanding Motions (no replies will be
7 considered);

8 To help ensure efficient use of time at the hearing, on or before February 26, 2007 the
9 assigned Administrative Law Judge will post a schedule for oral testimony;


10 **All Orders and Minute Entries will be posted at <http://www.azoah.com/Water.htm>,**
11 **and will not be mailed to the parties or interested persons; consequently**

12 **IT IS FURTHER ORDERED** that parties and interested persons are required to check
13 <http://www.azoah.com/Water.htm> for all orders, rulings, filings by other parties and
14 interested persons, and other relevant information;

15 **IT IS FURTHER ORDERED** that Documents that are not provided to OAH in electronic
16 format on or before the due dates provided above will not be considered; and

17 **IT IS FURTHER ORDERED** denying ADWR's Motion for Pre-Hearing Conference as
18 impractical given the number of parties and interested persons.

19 Done this day: January 17, 2007.

20 
21 Thomas Shedden
22 Administrative Law Judge
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Copy mailed this ____ day of
_____, 2007 to:

Herb Guenther, Director
Department of Water Resources
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Kingman, AZ 86402-7000

Approximately 500 Members of the
Public Previously Provided a Notice of
Hearing by ADWR

By _____